

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:20-cv-00516-FDW-DSC

PENN NATIONAL SECURITY )  
INSURANCE COMPANY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
HOOPAUGH GRADING COMPANY, LLC; )  
PULTE HOME COMPANY, LLC; AND )  
HOOPAUGH GRADING, LLC, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

THIS MATTER is before the Court following the Court’s review of the “Stipulation of Settlement,” (Doc. No. 87), notifying the Court that the parties “have resolved the issues that are the subject of this action.” As a result, the parties “respectfully request that the Court extend and hold in abeyance the deadlines for filing” because the parties anticipate finalizing all settlement documents and filing a stipulation of dismissal by December 5, 2022. Id.

While the Court commends counsel and the parties for resolving this matter by reaching a mutually-agreeable settlement, this matter is set for trial on this Court’s docket for November 7, 2022. Although it appears the parties will finalize the settlement process, the Court finds no sufficient basis under the current record to stay deadlines or continue trial. Therefore, to the extent the parties move the Court for a stay of deadlines and a continuance of trial, that request is DENIED.


Counsel is hereby advised they are expected to appear for: (1) docket call at 9:00 a.m. on November 7, 2022; and (2) a pretrial conference immediately following docket call. (See Doc.

No. 77). The Court will grant a modest extension of time for the parties' jointly prepared pretrial submissions required under the Case Management Order, and they shall now be due November 4, 2022, which is as late as practicably possible given the trial setting in this matter. Of course, the parties can file their Stipulation of Dismissal any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and terminate the deadlines set forth herein.<sup>1</sup>

IT IS THEREFORE ORDERED that the deadlines in this matter will remain as previously set, beginning with docket call at 9:00 a.m. on November 7, 2022, except that the parties' jointly proposed pretrial submissions shall now be due November 4, 2022.

IT IS SO ORDERED.

Signed: November 1, 2022

  
Frank D. Whitney  
United States District Judge

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<sup>1</sup> The Court notes, however, that the Case Management Order in this case provides:

Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors' costs (including Marshal's fees, mileage reimbursement, and per diem fees) equally against the parties or otherwise may determine appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them.

(Doc. No. 15, p. 14). The stipulation of dismissal must therefore be filed no later than 12:00 p.m. on November 4, 2022, in order to give the Clerk of Court sufficient time during the business day to advise the jurors who are selected that they need not appear for trial in this matter.